

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**AMERICAN VEHICULAR SCIENCES
LLC**

Plaintiff,

V.

**AMERICAN HONDA MOTOR CO.,
INC., AND HONDA OF AMERICA
MANUFACTURING, INC.**

Defendants.



Civil Action No. _____

JURY TRIAL

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff American Vehicular Sciences LLC (“AVS”) files this Original Complaint for patent infringement against Defendants American Honda Motor Co, Inc. and Honda of America Manufacturing, Inc. (collectively “Honda”).

PARTIES

1. Plaintiff AVS is a limited liability company existing under the laws of Texas with its principal place of business at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.

2. On information and belief, Defendant American Honda Motor Co, Inc. is a California corporation with a place of business at 1919 Torrance Blvd., Torrance, CA 90501.

3. On information and belief, Defendant Honda of American Manufacturing, Inc. is an Ohio corporation with a place of business at 24000 Honda Pkwy, Marysville, OH 43040.

JURISDICTION AND VENUE

4. This is an action for patent infringement under the Patent Laws of the United States, Title 35 of the United State Code.

5. This court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Honda. On information and belief, Honda, either directly or through intermediaries, regularly sells products and services into this judicial district and manufactures products intended to be sold and in fact sold into and within this judicial district. Additionally, on information and belief, this Court has personal jurisdiction over Honda because Honda has committed, aided, abetted, contributed to, induced, and/or participated in the commission of acts within this judicial district giving rise to this action.

7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400 (b).

SUMMARY

8. Dr. David Breed is one of the leading inventors in the field of automotive technology in the world today.

9. Dr. Breed is an inventor on more than 300 United States patents relating to automotive technologies, including airbags, navigation systems, vehicle diagnostics, crash sensors, vehicle communications, systems monitoring, theft protection, and collision avoidance.

10. Dr. Breed has a Ph.D. in Mechanical Engineering from Columbia University as well as Bachelors' and Masters' degrees from the Massachusetts Institute of Technology.

11. Dr. Breed has received the National Highway Traffic Safety Administration's Award for Safety Engineering and the prestigious H.H. Bliss award for his contributions to the development of the airbag.

12. Dr. Breed is a member of the Tau Beta Pi and Pi Tau Sigma engineering honors societies and has published numerous peer-reviewed articles.

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 6,738,697

13. AVS incorporates the foregoing paragraphs as if fully set forth here.

14. On May 18, 2004, the USPTO duly and legally issued United States Patent No. 6,738,697 B2 (“the ‘697 Patent”), entitled “Telematics System For Vehicle Diagnostics.” AVS owns the ‘697 Patent and holds the right to sue and recover damages for infringement thereof.

15. On information and belief, Honda has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the ‘697 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles that include vehicular diagnostic systems, and other similar monitoring, reporting, and/or control systems, including but not limited to various models and generations of the AcuraLink system/functionality, that infringe or the use of which infringe one or more claims of the ‘697 Patent, all to the injury of AVS. Honda is thus liable for infringement of the ‘697 Patent pursuant to 35 U.S.C. § 271.

16. As a result of Honda’s infringement of the ‘697 Patent, Honda has damaged AVS. Honda is liable to AVS in an amount to be determined at trial that adequately compensates AVS for the infringement, which by law can be no less than a reasonable royalty.

17. AVS intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '697 Patent.

18. As a result of Honda's infringement of the '697 Patent, AVS has suffered and will continue to suffer loss and injury unless Honda is enjoined by this Court.

19. At least as early as its receipt of this Complaint, Honda has had knowledge of the '697 Patent and written notice of the infringement.

COUNT II: INFRINGEMENT OF U.S. PATENT NO. 7,630,802

20. AVS incorporates the foregoing paragraphs as if fully set forth here.

21. On December 8, 2009, the USPTO duly and legally issued United States Patent No. 7,630,802 B2 ("the '802 Patent"), entitled "Information Management And Monitoring System And Method." AVS owns the '802 Patent and holds the right to sue and recover damages for infringement thereof.

22. On information and belief, Honda has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '802 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles that include vehicular diagnostic systems, and other similar monitoring, reporting, and/or control systems, including but not limited to various models and generations of the AcuraLink system/functionality, that infringe or the use of which infringe one or more claims of the '802 Patent, all to the injury of AVS. Honda is thus liable for infringement of the '802 Patent pursuant to 35 U.S.C. § 271.

23. As a result of Honda's infringement of the '802 Patent, Honda has damaged AVS. Honda is liable to AVS in an amount to be determined at trial that adequately compensates AVS for the infringement, which by law can be no less than a reasonable royalty.

24. AVS intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '802 Patent.

25. As a result of Honda's infringement of the '802 Patent, AVS has suffered and will continue to suffer loss and injury unless Honda is enjoined by this Court.

26. At least as early as its receipt of this Complaint, Honda has had knowledge of the '802 Patent and written notice of the infringement.

COUNT III: INFRINGEMENT OF U.S. PATENT NO. 7,650,210

27. AVS incorporates the foregoing paragraphs as if fully set forth here.

28. On January 19, 2010, the USPTO duly and legally issued United States Patent No. 7,650,210 B2 ("the '210 Patent"), entitled "Remote Vehicle Diagnostic Management." AVS owns the '210 Patent and holds the right to sue and recover damages for infringement thereof.

29. On information and belief, Honda has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '210 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles that include vehicular diagnostic systems, and other similar monitoring, reporting, and/or control systems, including but not limited to various models and generations of the AcuraLink system/functionality, that infringe or the use of which infringe one or more claims of the '210

Patent, all to the injury of AVS. Honda is thus liable for infringement of the '210 Patent pursuant to 35 U.S.C. § 271.

30. As a result of Honda's infringement of the '210 Patent, Honda has damaged AVS. Honda is liable to AVS in an amount to be determined at trial that adequately compensates AVS for the infringement, which by law can be no less than a reasonable royalty.

31. AVS intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '210 Patent.

32. As a result of Honda's infringement of the '210 Patent, AVS has suffered and will continue to suffer loss and injury unless Honda is enjoined by this Court.

33. At least as early as its receipt of this Complaint, Honda has had knowledge of the '210 Patent and written notice of the infringement.

COUNT IV: INFRINGEMENT OF U.S. PATENT NO. 8,036,788

34. AVS incorporates the foregoing paragraphs as if fully set forth here.

35. On October 11, 2011, the USPTO duly and legally issued United States Patent No. 8,036,788 B2 ("the '788 Patent"), entitled "Vehicle Diagnostic Or Prognostic Message Transmission Systems And Methods." AVS owns the '788 Patent and holds the right to sue and recover damages for infringement thereof.

36. On information and belief, Honda has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '788 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles that include vehicular diagnostic systems, and other similar monitoring, reporting, and/or control systems,

including but not limited to various models and generations of the AcuraLink system/functionality, that infringe or the use of which infringe one or more claims of the '788 Patent, all to the injury of AVS. Honda is thus liable for infringement of the '788 Patent pursuant to 35 U.S.C. § 271.

37. As a result of Honda's infringement of the '788 Patent, Honda has damaged AVS. Honda is liable to AVS in an amount to be determined at trial that adequately compensates AVS for the infringement, which by law can be no less than a reasonable royalty.

38. AVS intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '788 Patent.

39. As a result of Honda's infringement of the '788 Patent, AVS has suffered and will continue to suffer loss and injury unless Honda is enjoined by this Court.

40. At least as early as its receipt of this Complaint, Honda has had knowledge of the '788 Patent and written notice of the infringement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff AVS pray for the following relief:

41. A judgment in favor of AVS that Honda has infringed AVS' '697, '802, '210, and '788 patents;

42. A permanent injunction, enjoining Honda along with its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, and parents from infringing AVS' '697, '802, '210, and '788 patents;

43. A judgment and order requiring Honda to pay AVS damage for Honda's infringement of AVS' '697, '802, '210, and '788 patents, together with interest (both pre- and post-judgment), costs and disbursements as fixed by this Court under 35 U.S.C. § 284;

44. A judgment and order finding Honda's infringement willful and awarding treble the amount of damages and losses sustained by AVS as a result of Honda's infringement under 35 U.S.C. § 284;

45. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to AVS its reasonable attorney's fees; and

46. Such other and further relief in law or in equity to which AVS may be justly entitled.

DEMAND FOR JURY TRIAL

47. Plaintiff demands a trial by jury of any and all issues triable of right before a jury.

Dated: March 8, 2013

Respectfully submitted,

/s/ Demetrios Anaipakos

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